

2/5
F.L.



South Carolina Department of Public Safety

January 23, 2008

HAND-DELIVERED

Lance Corporal J. H. Lane



RE: One-day Suspension (12-hours)

Dear Lance Corporal Lane:

This letter is to officially inform you that you are hereby suspended without pay for one day (12 hours) effective February 13, 2008. The foregoing action is imposed upon you for violation of South Carolina Department of Public Safety policies and procedures in accordance with Policy Directive 400.08, *Disciplinary Action Policy*, for **Improper Conduct**.

A district investigation determined that you behaved improperly. Specifically, on October 19, 2007, you attempted to stop a vehicle for speeding approximately 91 mph in a 55 mph zone. After you turned around to initiate the stop, you discovered the driver (a male) had left the vehicle on the shoulder of the highway and walked away from the scene. You contacted a wrecker to tow the vehicle then proceeded to locate the driver. After you arrested the driver, you went back to the vehicle only to discover that it was gone. As you proceeded to the detention center, you observed a female driving the vehicle. You then initiated a second traffic stop of the vehicle. Upon stopping the vehicle, you immediately handcuffed the driver behind her back, and then handcuffed her again to the push bumper of your patrol car.

Within the first few minutes of the second traffic stop, and prior to the arrival of the tow truck, you determined that the driver was entitled to the vehicle. However, rather than cancel the rotation call and place that tow truck back at the top of the rotation list, you had the tow truck respond. When the tow truck arrived, you proceeded to have the vehicle towed when the driver was unable to pay the towing fee. Additionally, you advocated for the tow truck driver by advising the driver she would be unable to pick up her vehicle that evening and would have to wait until the following day. That was a matter that should have been left to discussion between the driver and tow truck operator. Furthermore, after detaining the driver for over an hour and having her vehicle towed, she was left on the roadside without offering her transportation to a more suitable area.

Your decision to handcuff the driver to the push bumper of your car was unwarranted and improper, as the driver was cooperative and had been adequately restrained with the first set of handcuffs. This also presented a safety issue as you potentially trapped the individual between two vehicles when you handcuffed her to the push bumper of your vehicle. Finally, you acted

Lane
1/23/08
p. 2

improperly when you detained the driver for over an hour and allowed the driver's vehicle to be towed after you had made a determination within the first few minutes of the traffic stop that the driver was entitled to the vehicle.

If you wish to appeal this action, you should do so in accordance with the enclosed grievance procedure policy. Any questions regarding this matter should be directed to Captain Taylor.

Sincerely,


James K. Schweitzer
Director

cc: Colonel R. F. Roark III
LTC M. L. Howard
Captain Leroy Taylor

Enclosure: DPS Grievance Policy

This signature acknowledges that the employee received this document and the matter was discussed with the employee by the supervisor.

Employee Signature  Date 01-31-08

THIS DOCUMENT WILL BECOME PART OF YOUR PERSONNEL RECORD